

To: Farm Stands, Farmer's Markets, Roadside Stands, Produce Depts.

From: Jennifer Gornert, Director, Division of Regulatory Services

Subject: **“Native,” “Our Own,” “Local,” Advertising**

When using the terms “Native,” “Our Own,” “Local,” “Locally Grown,” or “Locally Produced,” RSA 426:5 requires that those terms only be used in reference to New Hampshire grown or produced products. The law does not allow for exceptions. Questions have been raised about the manner, method and placement of advertising or labeling used in relation to the sale of “native,” “our own,” “local,” “locally grown,” or “locally produced,” farm products.

This department will implement the following policy relative to the use of banners, posters, point of sale (POS) signs, store and newspaper flyers, and other advertisements using the terms listed above:

- ❖ **POS signs:** The individual item(s) identified with a “native,” “our own,” “local,” “locally grown,” or “locally produced,” sign must be a New Hampshire product.
- ❖ **Banners:** If used in a general manner, for example in a store window or across an aisle, there must be at least one item offered for sale in the display that is a NH product. However, if banners are used in close association with a particular item or display, the item or items must be a NH product.
- ❖ **Posters:** or other material identifying particular farms under a “native,” “our own,” “local,” “locally grown,” or “locally produced” designation may only be used in reference to NH farms.
- ❖ **Flyers:** newspaper inserts or advertisements identifying a particular product or category as “native,” “our own,” “local,” “locally grown,” or “locally produced,” must be available in each location as NH product.

RSA 426:5 also deems it unlawful to advertise or label farm products in terms that are false, deceptive or misleading as to place of origin.